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11/4/08 *RS Day*
Roxana P. Day

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Larry HUFFMAN

Serial No. 10/728,961

Filed: December 8, 2003

For: ABDOMINAL AND BODY EXERCISE DEVICE

Art Unit: 3764

Examiner: Richman, Glenn E.

RENEWED REQUEST FOR APPEAL CONFERENCE

To the Director of the Patent and Trademark Office

Sir:

In response to the communication dated October 23, 2008:

Applicant again requests an Appeal Conference.

The rejections under 102b as anticipated by A in view of B are patently incorrect.

The final office action stated:

Claims 1-9 and 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated
by Resk in view of Huang .

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Huang
in view of Resk.

Moreover:

Huang describes "...a double acting hydraulic cylinder used in an exercising apparatus..." and states "Double-acting hydraulic cylinders are now used widely in exercising apparatuses..." and "The rear ring is fixedly connected to exercising apparatus (not shown)." See Col. 2, lines 9-11, lines 16-17, Col. 3, lines 39-40.

Huang is therefore part of an exercising apparatus such as commonly found in gyms.

Resk describes a hand held device in which "The handles can be pushed together against this status pressure..." Abstract, lines 10-11 and

Neither Huang nor Resk has or suggests, for example, the element of:

claim 1 – gripping handles directly forcing a ram into and out of a hydraulic cylinder or the previous allowed claim 10 – a first handle extending through a first ring, a second handle extending through a second ring.

Nothing inherent in the prior art or in the two references would have suggested their combination. Even if combined, the references would not have rendered obvious the subject matter of the invention as specifically set forth in claims 1-20.

Rest has an air cylinder 30 in which pressure is increased by a bicycle pump 20 in Figure 1. Restraint strap 70 holds the cylinder compressed when it is stored. When exercising, a person holds the handles in two hands and tries to push the handles together. (Col 2, lines 18-20)

Huang states:

"The hydraulic cylinder is mounted on an exercising apparatus (not shown) to provide a resistance to the user of the exercising apparatus." (Col 2, lines 26-28)

"The rear ring is also fixedly connected to the exercising apparatus..." (Col 2, lines 39-40)

Neither the references nor a combination of the references suggests or would have suggested or made obvious the structure set forth in claim 1:

gripping handles, relatively moving handles away from and toward each other and directly forcing a ram directly connected to one of the handles into and out of a hydraulic or pneumatic cylinder directly connected to the other one of the handles, and moving hydraulic or pneumatic fluid from one end to the other end of the cylinder with the relative movement of the handles and of the ram and the cylinder;

a grip provided on one of the bars for gripping the one bar with one or two hands of a user; and

positions provided on another one of the bars for holding the other bar with one or both hands or with body members.

Neither the references nor a combination of the references suggests or would have suggested or made obvious the steps of claim 10:

a first handle extending through the first mounting ring and having opposite equal length ends of the first handle on opposite sides of the first ring;

a second handle extending through the second ring and having opposite equal length ends of the second handle on opposite sides of the second ring; and

foam padded handle grips, each respectively mounted on the ends of the first and second handles.

Neither the references nor a combination of the references suggests or would have suggested or made obvious the steps of claim 13:

the gripping of the first pair of handles comprises placing the first pair of handles under knees of a user in a seated position, and wherein the gripping of the second pair of

handles comprises gripping the second pair of handles with hands of a user near a chin and holding the hands in relative position to the chin, moving the first pair of handles by alternately bending a user's trunk forward and raising the trunk against fluid resistance of movement in the cylinder by the ram, thereby exercising the user's abdominal muscles.

Neither the references nor a combination of the references suggests or would have suggested or made obvious the steps of claim 14:

the gripping of the first pair of handles comprises placing the first pair of handles under knees of a user in a seated position, and wherein the gripping of the second pair of handles comprises gripping the second pair of handles with hands, palms facing inward, and holding a user's back straight and elbows stationary, raising and lowering the first pair of handles against fluid resistance of movement in the cylinder by the ram, and exercising the user's biceps.

Neither the references nor a combination of the references suggests or would have suggested or made obvious the steps of claim 15:

placing the first pair of handles under knees of a user in a seated position, and wherein the gripping of the second pair of handles comprises gripping the second pair of handles with hands, palms facing outward, and holding a user's back straight and elbows stationary, lowering and raising the first pair of handles against fluid resistance of movement in the cylinder by the ram, and exercising the user's triceps and/or shoulders.

Neither the references nor a combination of the references suggests or would have suggested or made obvious the steps of claim 16:

placing the first pair of handles under feet of a user in a standing position, and wherein the gripping of the second pair of handles comprises gripping the second pair of handles

with hands, palms facing inward and knees slightly flexed, and deadlifting, raising and lowering the second pair of handles by lifting and lowering the user's back against fluid resistance of movement in the cylinder by the ram, exercising back and abdominal muscles in an upright rowing exercise.

Neither the references nor a combination of the references suggests or would have suggested or made obvious the steps of claim 17:

placing the first pair of handles under feet of a user in a seated position, and wherein the gripping of the second pair of handles comprises gripping the second pair of handles with hands behind the user's knees and squatting and straightening the user's legs against fluid resistance of movement in the cylinder by the ram in a squat exercise.

Neither the references nor a combination of the references suggests or would have suggested or made obvious the steps of claim 18:

pulling the first and second pairs of handles away from each other against fluid resistance of movement in the cylinder by the ram in chest flies.

The particular exercises shown in Figures 5a through 8b and 10a through 11b would not have been obvious from any combination of the references.

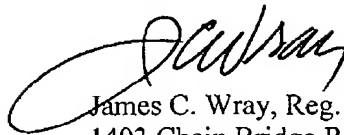
The particular structures of claims 1-4 wherein the handles are elongated and are as long as the cylinder would not have been obvious from any combination of the references.

All of the claims should be allowed.

CONCLUSION

An Appeal Conference is respectfully requested.

Respectfully,



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